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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/717,588	11/21/2000	Steven J. Kruey	777.339US1	8806

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EXAMINER

ROBINSON, GRETA LEE

ART UNIT	PAPER NUMBER
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2168

MAIL DATE	DELIVERY MODE
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07/17/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/717,588

Applicant(s)

KRUY ET AL.

Examiner

Greta L. Robinson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 4-7 and 46-63 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4-7, 46-63 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on March 19, 2007 has been entered.
2. Claims 1, 2, 4-7 and 46-63 are pending in the present application.
3. Claims 3 and 8-45 have been cancelled. Claims 1, 7, 47, 52, 57 and 59 have been amended.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 1, 2, 4-7 and 46-63 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The language of the claims are directed to an abstract idea and do not present a concrete useful tangible result. For example, the body of independent claim 1 recites,

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"receiving information regarding from a plurality of search providers ... transmitting the information received ... receiving user input through the user interface ... parsing the query to define a single common parse tree... *to enable* execution ..."; however the claim does not appear to recite steps for actually executing a query so as to conduct a search . Independent claims 7, 47, 52, 57 and 59 also do not recite steps for executing a query. Claims 2-6, 48-51, 53-56, 58 and 59-63 are rejected based on dependency. Note the limitation "to enable execution of the query" is not the same as executing the query.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1, 2, 4-7 and 46-63 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding independent claims 1, 7, 47, 52, 57 and 59, the following claim language lacks proper antecedent basis: "the executed query" [see: claim 1 line 13; claim 7 line 15; claim 47 line 11; claim 52 line 12; claim 57 line 13; claim 59 line 12]. Claims 2-6, 48-51, 53-56, 58 and 59-63 are rejected based on dependency.

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8. Claims 1, 2, 4-7 and 46-63 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. The omitted elements are: "executing a query" [see: claim 1 lines 10-13; claim 7 lines 10-13; claim 47 line 10-13; claim 52 lines 12-14; claim 57 lines 13-15; and claim 59 lines 12-14]. Note the limitation to enable execution of the query does not necessarily mean the query has been executed.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claims 1, 4, 7, 47, 49, 52, 54, 57, 59, and 61 are rejected under 35 U.S.C. 102(e) as being anticipated by Brandow et al. US Patent 6,938,041 B1.

Regarding claim 1, **Brandow et al.** teaches a method of operating a system to perform a search [Figure 2], the method comprising:

receiving information from a plurality of search providers directed to a query language feature [note: column 6 lines 50-52 "the Client(s) 210 store data in or retrieve data from one or more database tables 250", note Brandow et al. teaches database tables are

typically resident on the server 230, however they provide flexibility in defining relationships note column 6 lines 53-67; JAVA supports multi thread processing col. 14 lines 50-66; column 31 lines 60-63];

transmitting the information received from the search providers to a user interface [note: column 31 line 64 through column 32 line 61];

receiving user input through the user interface to define a query for execution by the search providers [note: column 7 lines 30-41 "the SQL statements received from one or more Clients 210 (via Network 220) are processed by Engine 210"];

parsing the query to define a single common parse tree that is transformable by each of the respective search providers based on the query language features supported by each of the respective search providers [note: column 7 lines 35-64 "the SQL statements are passed to the Parser 261 which converts the statements into a query tree – a binary tree data structure which represents the components of the query format selected for the convenience of the system"];

passing the single common parse tree to the search providers to enable execution of the query by the search providers [note: column 7 lines 35-64];

receiving results for the executed query from the search providers [note: column 7 line 62 through column 8 lines 10]; and

displaying the results [note: column 7 line 62 through column 8 lines 10].

11. Regarding claim 4 and 49, wherein the passing the single common parse tree to the search providers comprises passing the parse tree by value to the one of the search providers [note: column 7 lines 36-41]

12. The limitations of claims 7 and 47 parallel claim 1; therefor they are rejected under the same rationale.

13. The limitation of claims 52 have been addressed above in claim 1 except for the following: "providing a user interface comprising a single common set of query input fields" [note: column 8 line 66 through column 9 line 9 user interface so that user may enter data ; also note Figure 12A].

14. The limitations of claims 57, and 59 parallel claim 52; therefor they are rejected under the same rationale.

15. Regarding claim 54 and 61, wherein the passing the single common parse tree to the search providers comprises passing the parse tree by value to the one of the search providers [note: column 7 lines 36-41]

Response to Arguments

16. Applicant's arguments filed March 19, 2007 have been fully considered but they are not persuasive.

In response to the rejections cited under 35 USC 101 and 35 USC 112 second paragraph Applicant has amended the claim to recite "to enable execution of the query by the search providers". However the language of the claim does not specifically recite that an execution of a query occurs, therefor the rejection is respectfully maintained. Note newly cited reference Brandow et al. who uses a single parser (parse tree) for executing a query in a distributed system.

Conclusion

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Devanbu US Patent 5,826,256

Soffer et al. *Pictorial Query Trees for Query Specifications in Image Databases*

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greta L. Robinson whose telephone number is (571)272-4118. The examiner can normally be reached on M-F 9:30AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tim T. Vo can be reached on (571)272-3642. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



GRETAL ROBINSON
PRIMARY EXAMINER

Greta Robinson
Primary Examiner
July 10, 2007